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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 870-003-174											
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/ 506,477	Filed 1 SEP. 2004											
	First Named Inventor WEISSER												
	Art Unit 3746	Examiner DWIVEDI											
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td>/Milton Oliver, Reg. No. 28,333/</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td>Signature Milton McKinnon Oliver</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. 28,333</td><td>Typed or printed name 203-261-1234 or 781-910-9664</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.</td><td>Telephone number DEC. 5, 2007</td></tr><tr><td>Registration number if acting under 37 CFR 1.34 _____</td><td>Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	/Milton Oliver, Reg. No. 28,333/	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Signature Milton McKinnon Oliver	<input checked="" type="checkbox"/> attorney or agent of record. 28,333	Typed or printed name 203-261-1234 or 781-910-9664	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.	Telephone number DEC. 5, 2007	Registration number if acting under 37 CFR 1.34 _____	Date
<input type="checkbox"/> applicant/inventor.	/Milton Oliver, Reg. No. 28,333/												
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: WEISSER CONF. #: 3038
SERIAL NO. 10/ 506,477 ATT. DOCKET: 870-003-174
FILED: 1 SEP. 2004 ART UNIT: 3746
FOR: FAN HAVING AN INTEGRATED IP PROTECTION

REQUEST FOR PANEL REVIEW

5 DEC. 2007

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

Sir:

In the Final Rejection of 5 SEP. 2007, and in spite of Applicant's explanation & sketch filed 4 JUN. 2007, Examiner Dwivedi has repeated the factually incorrect assertion that SAITO USP 5,979,541 discloses a "pot-shaped part 62 . . . forming a substantially fluid-tight annular space enclosing said internal stator 6." SAITO Col. 5, lines 34-36, state that "yoke 62 is composed of a first yoke 621 and a second yoke 624." These elements perform the function of poles to drive the motor, under the influence of the magnetic field of coil 63, (see col. 8, lines 10-16) and have NO protection-against-water function. See attached mark-up of SAITO FIG. 4 showing, with arrows labelled "fluid," how the SAITO structure is essentially unprotected against ingress of water.

Based on an incorrect premise, the Examiner contends that SAITO anticipates claims 1-3 and 13-15 under sec. 102. SAITO fails to teach or suggest each and every element of the claimed combination, so the section 102 rejection cannot stand.

This document is being submitted via EFS-WEB on 5 DEC. 2007.

/Milton Oliver/

Page 3-4 of the Final Rejection repeat, **essentially verbatim**, the section 103 rejection from the First Action. The Examiner contends that the features of dependent claims 4-5, 15 and 17 "add no patentable distinction" because the "specification does not state this limitation as serving any advantage or particular purpose or solving any stated problem" but, in fact, specification page 6, lines 1-15, and specification page 8, lines 15-end, state that "with this arrangement, one can manufacture cost-effectively in an environmentally responsible manner. There are enormous savings in materials and time, and short cycle times on the production line. . . . Subsequent time-consuming reworking is thus also avoided." Thus, the rejection of claims 4-5, 15 and 17 under section 103 is incorrect.

Pages 4-5 of the Final Rejection repeat, **essentially verbatim**, the section 103 rejection of claims 6-12, 16, and 18-19 made in the First Action, based upon a proposed combination of SAITO, YOKOZAWA and BLUMENBERG. The Examiner's premise is that SAITO discloses everything claimed **except** a spacer and retaining element as shown in YOKOZAWA/SANYO and a retaining clip as shown in BLUMENBERG/LICENTIA. However, as explained above, SAITO falls far short of teaching all the elements of parent claim 1, and YOKOZAWA and BLUMENBERG do not remedy those deficiencies, even if there were motivation to attempt to combine such disparate structures. Of the three references, the only element disclosed for hindering ingress of water is the brush carrier plate 131 of BLUMENBERG, shown in his FIGS. 3 & 5, and it is said (col. 4, lines 15-18) to be FLAT, in contrast to the "pot-shaped part" recited in claim 1. Thus, no hypothetical combination of SAITO, YOKOZAWA and BLUMENBERG would achieve the structure recited in parent claim 1, much less the structures recited in dependent claims 6-12, 16, and 19. The Final Rejection does not make out a prima

facie case for obviousness under section 103, and therefore must be reconsidered.

CONCLUSION

The present invention, drawing upon the long experience of the assignee in mass-production of electric motors, teaches a labor-saving and environmentally responsible motor structure, satisfying the requirements of German Industrial Standard (DIN) 40 050 for degree of protection IP 44 against ingress of splashed water into the electrical part of the motor, which structure is neither anticipated nor made obvious by any combination of SAITO/SEIKO, YOKOZAWA/SANYO and BLUMENBERG/LICENTIA. The SAITO, YOKOZAWA and BLUMENBERG applications were filed in the US in 1997, 1994 and 1994, respectively, so if they **actually** taught what the Examiner contends they teach, one would have expected to find on the market, in the intervening 10 years, an electric motor meeting all the structural features recited in main claim 1. That clearly is not the case. Reversal of the Final Rejection is solicited.

Respectfully submitted,
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Attachments: marked-up SAITO FIG. 4

BOSCH handbook page 127 re DIN 40 050, IP44

F:\WP51\MMO\AMEND\8703-174.RPR

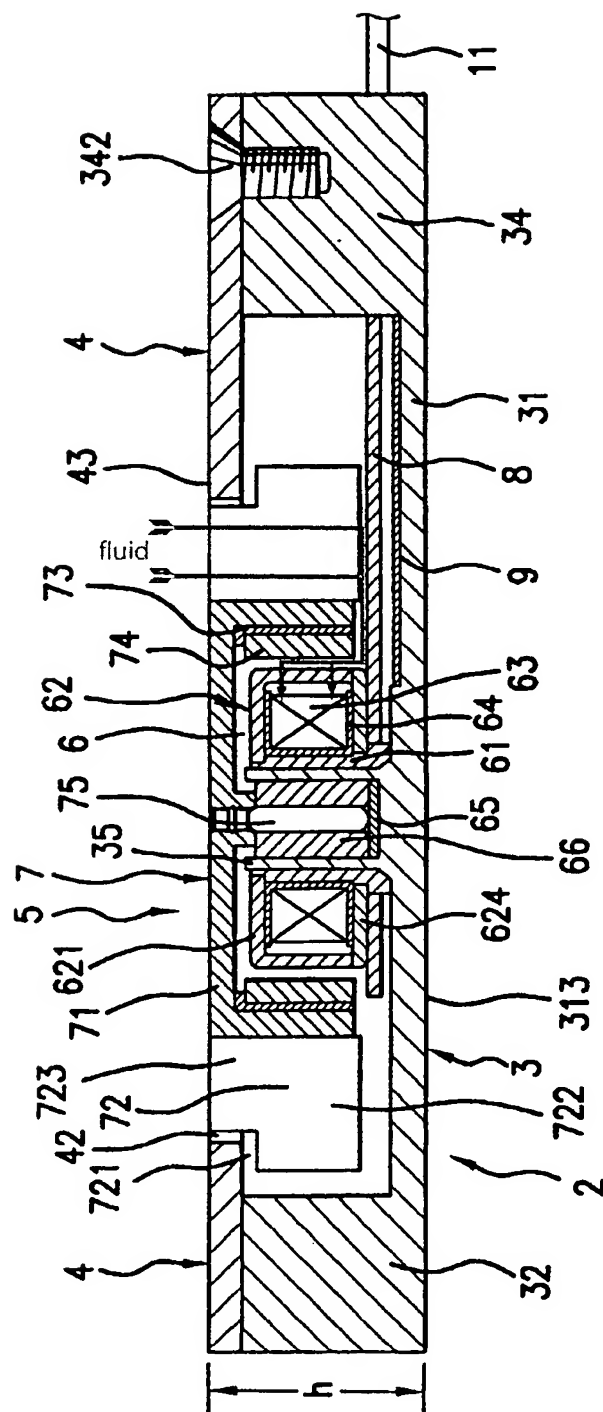


FIG. 4

S 8: Uninterrupted duty

Operation with pole changing.

For S 3 and S 6, the duty cycle time is 10 min unless otherwise agreed; recommended values for cyclic duration factor: 15, 25, 40 and 60%. For S 2, S 3 and S 6, the operating time or cycle time and the cyclic duration factor are to be specified following the rating. The duty cycle time is only to be specified if it is other than 10 min. Example: S 2—60 min, S 3—25%.

Cyclic duration factor

The cyclic duration factor is the ratio of the loading period including starting and braking to the cycle time.

Winding temperature

The mean temperature t_2 of the windings of an electric machine can be determined by measuring the resistance (R_2) and referring it to an initial temperature R_1 at a temperature t_1 :

$$t_2 = \frac{R_2 - R_1}{R_1} (\tau + t_1) + t_1$$

where

$$\tau = \frac{1}{\alpha} - 20\text{K}$$

α = Temperature coefficient.

Degrees of protection of electric machines

(DIN 40050)

Degree of protection IP 00

No protection against accidental contact, no protection against solid bodies, no protection against water.

Degree of protection IP 11

Protection against large-area contact by the hand, protection against large solid bodies, protection against dripping water.

Degree of protection IP 23

Protection against contact by the fingers, protection against medium-size solid bodies, protection against water sprayed vertically and obliquely up to an angle of 60° to the vertical.

Degree of protection IP 44

Protection against contact by tools or the like, protection against small solid bodies, protection against splash water from all directions.

Degree of protection IP 67

Total protection against contact, dust-proof. Protection against entry of dangerous quantities of water when immersed in water under conditions of defined pressure and for a defined period of time.

Explosion protection Ex

(VDE 0170/0171)

Symbol d: flameproof enclosure; symbol f: forced ventilation; symbol e: increased safety; symbol s: special protection, e.g., for machines operating in flammable liquids.